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KEVIN S. LEMACK
NIELDS & LEMACK
176 E. MAIN STREET
WESTBORO, MA 01581

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In re Patent No. 5,368,274 :
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Application No. 07/946,392 :
Filed: September 17, 1992 :
Patentee: Theodore J. Falk, et al. :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3229.

The file is being forwarded to Files Repository.

Retta Williams
Petitions Examiner
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for Patent Examination Policy